

Introduced by Senator Florez

February 21, 2003

An act to add Section 1522.08 to the Health and Safety Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

SB 652, as introduced, Florez. Foster care: criminal record disqualification: exemptions.

Existing law provides for the licensure and regulation of community care facilities, including foster family homes and certified family homes, administered by the State Department of Social Services. Existing law requires that a criminal record clearance be obtained before a license, special permit, or certificate of approval is issued to any person to operate or manage, or before any person may be employed, reside, or be present, in these homes. Existing law requires the director to deny the license, special permit, or certificate if the person is convicted of certain offenses and, for the remaining offenses, authorizes the director to grant an exemption from disqualification if the director has substantial and convincing evidence to support a reasonable belief that the person convicted of the crime is of such good character as to justify granting an exemption.

Existing law authorizes the department to contract for state, county, or other public agencies to assume specified licensing, approval, or consultation responsibilities for purposes of these provisions.

This bill would provide that only the director, or a person designated by the director, may grant an exemption from disqualification, as described above, for a license or certificate to operate or manage, or for employment, residence, or presence, in a foster family home or a certified family home. The bill would prohibit other staff of the



department from approving exemption requests subject to this provision.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1522.08 is added to the Health and
2 Safety Code, to read:
3 1522.08. Notwithstanding Section 1522 or any other
4 provision of this chapter, only the director, or a person designated
5 by the director, may grant an exemption from disqualification
6 under subdivision (g) of Section 1522 because of a criminal record
7 for a license or certificate to operate or manage, or for
8 employment, residence, or presence in, a foster family home or a
9 certified family home. Other staff of the department may not
10 approve exemption requests subject to this section.

